

United States Department of the Interior  
**NATIONAL PARK SERVICE**  
San Juan National Historic Site  
501 Calle Norzagaray  
San Juan, Puerto Rico 00901



IN REPLY REFER TO:

A6435  
Aug 12, 2013

**SAN JUAN NATIONAL HISTORIC SITE POLICY MEMORANDUM SAJU – 27**

To: All Employees and public review  
From: Superintendent, San Juan National Historic Site  
Subject: Superintendent's Compendium

The following document is the written compilation of all the designations, closures, permit requirements and restrictions imposed by the Superintendent under the discretionary authority granted by the 36 Code of Federal Regulations in Chapter 1, Parts 1 through 11.

This document is reviewed annually to incorporate changes in park policies, operations, rules and regulations occurring during the calendar year after the signage and implementation of the same. This is a public document open for review and comments from the general public.

Please send any written comments to:

Superintendent  
San Juan National Historic Site  
501 Calle Norzagaray  
San Juan, Puerto Rico 00901  
ATTN: Chief Ranger

COMPILATION OF REGULATIONS  
for  
San Juan National Historic Site

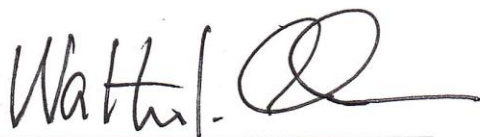
In accordance with the provisions of *16 United States Code* (USC), Section 3 and *Title 36 Code of Federal Regulations* (CFR), Chapter 1 (National Park Service), Parts 1 through 5, and Part 11, the following orders are established for San Juan National Historic Site (SAJU). Unless otherwise noted, these orders apply in addition to the provisions contained in Title 36 CFR, Parts 1 through 5, and Part 11.

Under the provisions of 36 CFR §1.7 (b) the Superintendent is required to compile in writing all the designations, closures, permit requirements and other restrictions they have imposed under the discretionary authority granted by the regulations contained in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 11.

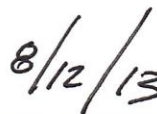
These regulations will provide for the maintenance of public health and safety, the protection of scenic or environmental values, the protection of natural or cultural resources and aid in scientific or historic research. They will provide for the implementation of management responsibilities, equitable allocation and use of facilities and reduction of conflict among visitor use activities.

Visitors may obtain additional information or permit applications by contacting: Office of the Superintendent, San Juan National Historic Site Castillo San Cristobal Norzagaray Street #501, Old San Juan, Puerto Rico 00901, phone number (787) 729-6960/6777, or by e-mail at [Saju\\_Superintendent@nps.gov](mailto:Saju_Superintendent@nps.gov).

A copy of this compendium is available for public review at the Office of the Superintendent.



\_\_\_\_\_  
Walter J. Chavez  
Superintendent  
San Juan National Historic Site



\_\_\_\_\_  
Date

## Table of Contents

<b>A. What is the Compendium? .....</b>	<b>5</b>
<b>B. What laws and policies allow the Superintendent to develop this compendium? .....</b>	<b>6</b>
<b>C. Does this compendium comply with applicable Federal law and requirements? .....</b>	<b>7</b>
<b>D. How are the requirements of the Superintendent's Compendium Developed? .....</b>	<b>7</b>
<b>E. Where does the compendium apply? .....</b>	<b>7</b>
<b>F. Who enforces this Compendium? .....</b>	<b>7</b>
<b>G. Is there a penalty for not adhering to the requirements found in this Compendium? .....</b>	<b>8</b>
<b>H. How do I provide comment on this compendium? .....</b>	<b>8</b>
<b>I. When will the 2013 Compendium become effective? .....</b>	<b>8</b>
<b>J. Is there anything else I need to know about this compendium? .....</b>	<b>8</b>
<b>K. Where can I find a copy of this Compendium once it is approved? .....</b>	<b>8</b>
<b>Accessibility.....</b>	<b>9</b>
<b>Fees &amp; reservations.....</b>	<b>10</b>
<b>PART 1 - GENERAL PROVISIONS.....</b>	<b>11</b>
<b>Sections 1.1 Definitions.....</b>	<b>11</b>
<b>Section 1.2 Applicability and Scope.....</b>	<b>16</b>
<b>Section 1.5 Closures and Public Use Limits.....</b>	<b>17</b>
<b>Section 1.6 Permit applications.....</b>	<b>20</b>
<b>Section 1.7 Public Notice.....</b>	<b>22</b>
<b>PART 2 - RESOURCE PROTECTION, PUBLIC USE AND RECREATION.....</b>	<b>22</b>
<b>Section 2.1 (a)(5) Preservation of Natural, Cultural, and Archeological Resources.....</b>	<b>22</b>
<b>Section 2.2 (e) Wildlife Protection.....</b>	<b>23</b>
<b>Section 2.13 (a) (1) Fires.....</b>	<b>23</b>

<b>Section 2.15 Pets.....</b>	<b>24</b>
<b>Section 2.20 Roller Skating/Roller Blading/Skateboarding.....</b>	<b>24</b>
<b>Section 2.21 (a) Smoking.....</b>	<b>24</b>
<b>Section 2.35 (3) (i) Alcoholic Beverages and Controlled Substances.....</b>	<b>25</b>
<b>Section 2.51 Public Assemblies and Meetings.....</b>	<b>25</b>
<b>PART 3 - BOATING AND WATER USE ACTIVITIES.....</b>	<b>28</b>
<b>PART 4 - VEHICLES AND TRAFFIC SAFETY.....</b>	<b>28</b>
<b>PART 5 – COMMERCIAL AND PRIVATE OPERATIONS.....</b>	<b>28</b>
<b>Written determination for justifying actions .....</b>	<b>29</b>
<b>Attachment A - Old San Juan City Ordinance Codes.....</b>	<b>39</b>
<b>Attachment B – First Amendment Area (Map).....</b>	<b>42</b>

## INTRODUCTION

### A. What is the Superintendent's Compendium?

The San Juan National Historic Site's Superintendent's Compendium is the summary of park specific rules implemented under the discretionary authority of the park Superintendent. It serves as public notice with an opportunity for public comment, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on those public use and resource protection regulations that pertain to the specific administration of the park. It does not contain those regulations found in 36 Code of Federal Regulations (CFR) and other United States Codes (U.S. C.) and CFR Titles which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR Parts 1-7 are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park System, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example; 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by this Section, however, requires the Superintendent to comply with the Administrative Procedures Act (5 USC Section 551 ) which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

**This compendium should be used in conjunction with 36 CFR, Sections 1-7 to more fully understand the regulations governing the use and enjoyment of all the areas of the National Park System.**

A copy of 36 CFR can be purchased from the U.S. Government Printing Office at:  
Superintendent of Documents

P.O. Box 371954

Pittsburgh, PA 15250-7954

Or by calling: (202) 512-1800

The Code of Federal Regulations is also available on the internet at:

<http://www.access.gpo.gov/nara/#cfr>

B. What laws and policies allow the Superintendent to develop this Compendium?

The NPS is granted broad statutory authority in 16 U.S.C. Section 1 *et seq.* (National Park Service Organic Act of 1916, as amended) to " ... regulate the use of the Federal areas known as national parks, monuments, and reservations ... by such means and measures as conform to the fundamental purposes of the said parks ... which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 u.s.-c. Sections 1 a1 - 1 a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S. C. Section 1c defines the National Park System as " ... any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes." 36 CFR Section 1.7(b) requires the Superintendent to compile in writing all the designations, closures, permit requirement, and other restrictions imposed under discretionary authority. This compilation, called the Superintendent's Compendium, shall be updated annually and made available to the public upon request.

In addition to the above statutory authority, the Superintendent is also guided by established NPS policy as found in the *NPS Management Policies* (2001 ). As stated in this policy document, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitors and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. Each park Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a basis to believe a resource is or would become impaired, then that Superintendent is obliged to place limitations on public use.

C. Does this Compendium comply with applicable Federal law and requirements?

The Superintendent's Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866.

This Compendium is in compliance with all regulations and delegated authority provided by Title 36 Code of Federal Regulations, Chapter 1, Parts 1-7 authorized by Title 16 United States Code, Section 3.

D. How are the requirements of the Superintendent's Compendium developed?

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process for that particular NPS area. The decision criteria used during this process are:

- Is the use or activity consistent with the National Park Service Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage or impair the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

E. Where does this Compendium apply?

The regulations contained in this Compendium apply to all persons entering, using, visiting or otherwise within the boundaries of federally owned lands and waters administered by the NPS as part of the San Juan National Historic Site. You can find this information on the park map, available at any park office or visitor contact station.

F. Who enforces the requirements of this Compendium?

Only NPS Park Rangers (Protection) Law Enforcement or a crossed designated Law Enforcement Officer can enforce the requirements of the United States Code, CFR Titles, and this Superintendent's Compendium. However, many Federal laws and regulations have similar statutes found in State and local law. Many of the requirements of this Compendium complement existing State and local law and regulations which are also in effect within the park and enforced by State and local law enforcement officers.

G. Is there a penalty for not adhering to the requirements found in this Compendium?

A person who violates any provision of the regulations found in 36 CFR Parts 1-7, along with this compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

H. How do I provide comment on this Compendium?

The park welcomes comments about its programs and activities at any time. Comments specific to the Superintendent's Compendium will be accepted anytime. Any changes to this Compendium recommended by the public or others, and accepted by the Superintendent, will be incorporated into this compendium without further public comment and review.

Superintendent  
San Juan National Historic Site  
501 Calle Norzagaray  
San Juan, Puerto Rico 00901  
ATTN: Chief Ranger

I. When will the 2013 Compendium become effective?

The San Juan National Historic Site's Superintendent's Compendium 2013 will become effective on September 1, 2013 and remain in effect until superseded.

J. Is there anything else I need to know about this compendium?

Some of the terms used in this Compendium may be unclear to you. If you are unsure about a specific term please consult 36 CFR 1.4 *Definitions*. Terms that may be unique to this Compendium will be defined. You may access the 36 Code of Federal Regulations at: [http://www.access.gpo.gov/nara/cfr/waisidx/02/36cfr2\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx/02/36cfr2_02.html)

K. Where may I find a copy of this Compendium once it is approved?

<http://www.nps.gov/saju/index.htm>



## **ACCESSIBILITY**

The historic structures at San Juan National Historic Site were built over 400 years ago for warfare and the protection of the city of San Juan. The surfaces are uneven and rugged, the ramps and staircases are steep and sometimes narrow. There are also tunnels and narrow passages that may be dimly lit. At the park the historic setting is preserved so the visitor can experience the fortifications as they in their historical context. Accessibility is provided in key areas of both Castillo San Cristóbal and the Castillo San Felipe del Morro to ensure a relevant and enjoyable visit to those visitors needing special accommodations.

Accessible transportation between Castillo San Cristóbal and Castillo San Felipe del Morro is available through a trolley service which is jointly operated with the municipality between the two locations. The trolleys run every 20-30 minutes and can be boarded at the entrance stations of both fortifications.

### **Castillo San Cristóbal**

Accessible parking is available at the main entrance of the park (on Calle Muñoz-Rivera). Within the main entrance area (former Civil Defense Building) there are accessible restrooms, water fountains, a bookstore and a theater. From this entrance an elevator provides access to the main plaza or the first floor of the fort. The upper levels are accessible via steep, historic ramps.

The historic entrance on Calle Norzagaray is also accessible, but up a steep ramp. There are accessible restrooms and water fountains throughout the main plaza level. The tunnel leading to the dungeon is considered "accessible" but the tunnel leading back to the main entrance area is not.

### **Castillo San Felipe del Morro**

There is no parking directly at the entrance to Castillo San Felipe del Morro. It is accessed by a ¼ mile road that is used for the trolley. The sidewalk approaching El Morro is level with an accessible grade.

Once inside the main plaza (the fifth level) exhibit areas, bookstore and theater are easily accessed. The sixth level can be reached using steep ramps. The lower levels are not accessible.

Park films, shown at both locations, are shown in both Spanish and English with captions.

Assisted listening devices are available at both locations.

The park brochure is available in both English and Spanish. Please ask a ranger at one of the entrance desks.

Special Needs Requests. If you need assistance planning your visit, or need special accommodations during your visit, please contact the Chief of Interpretation and Visitor Services at 787-729-6777 prior to your visit. The park staff is happy to help you with exploring options to accommodate your needs.

## **FEES & RESERVATIONS**

Adults (16 +) / per fortification \$3.00 - Day  
Valid ticket for 24 hours.

Both fortifications (16+) \$5.00  
Valid ticket for 7 days

Children 15 and under Free!

Federal Recreation Annual Pass  
\$80.00 - Annual  
Valid for Cardholder and 3 additional Adults

Federal Recreation Senior Pass  
\$10.00 - For Life  
Valid for Cardholder and 3 additional Adults

Federal Recreation Access Pass  
Free! - For Life  
Valid for Cardholder and 3 additional Adults

Federal Recreation Volunteer Pass  
500 hours or more - Annual  
Valid for Cardholder and 3 additional Adults

Park Pass  
\$25.00 - Annual  
Valid only for San Juan NHS  
Valid for Cardholder and 3 additional Adults

Parking Fee  
Parking fee is \$2.00 per hour. Enter the visitor center to receive park and payment information.

## Part I General Provisions

The specific discretionary authority for Park Superintendents to establish reasonable schedules for visiting hours, impose public use limits, and close park areas for all public use or specific use is found at 36 CFR 1.5. These park-specific restrictions are also based upon 36 CFR, Chapters 1-7 to protect park resources, visitors and employees. Under CFR 1.7 notice of all restrictions, closures, designations and permit requirements will be made available to the general public by at least one or more of the following methods of notification: maps, brochures, signs, permits, or other appropriate methods, as well as within this compendium. Finally any Records of Determination are available upon request under 36 CFR 1.5(c).

Sections 1.1 Definitions - The following are terms derived under 36 CFR 1.4 or 1.5, used in this document.

□ Definitions for a specific part or regulation:

*Abandonment* means the voluntary relinquishment of property with no intent to retain possession.

*Administrative activities* means those activities conducted under the authority of the National Park Service for the purpose of safeguarding persons or property, implementing management plans and policies developed in accordance and consistent with the regulations in this chapter, or repairing or maintaining government facilities.

*Airboat* means a vessel that is supported by the buoyancy of its hull and powered by a propeller or fan above the waterline. This definition should not be construed to mean a “hovercraft,” that is supported by a fan-generated air cushion.

*Aircraft* means a device that is used or intended to be used for human flight in the air, including powerless flight.

*Archeological resource* means material remains of past human life or activities that are of archeological interest and are at least 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, or any portion or piece of the foregoing items, and the physical site, location or context in which they are found, or human skeletal materials or graves.

*Authorized emergency vehicle* means a vehicle in official use for emergency purposes by a Federal agency or an emergency vehicle as defined by State law.

*Authorized person* means an employee or agent of the National Park Service with delegated authority to enforce the provisions of this chapter.

*Bicycle* means every device propelled solely by human power upon which a person or persons may ride on land, having one, two, or more wheels, except a manual wheelchair.

*Boundary* means the limits of lands or waters administered by the National Park Service as specified by Congress, or denoted by presidential proclamation, or recorded in the records of a state or political subdivision in accordance with applicable law, or published pursuant to law, or

otherwise published or posted by the National Park Service.

*Camping* means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy.

*Carry* means to wear, bear, or have on or about the person.

*Controlled substance* means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of part B of the Controlled Substance Act ([21 U.S.C. 812](#)) or a drug or substance added to these schedules pursuant to the terms of the Act.

*Cultural resource* means material remains of past human life or activities that are of significant cultural interest and are less than 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, or any portion or piece of the foregoing items, and the physical site, location, or context in which they are found, or human skeletal materials or graves.

*Developed area* means roads, parking areas, picnic areas, campgrounds, or other structures, facilities or lands located within development and historic zones depicted on the park area land management and use map.

*Director* means the Director of the National Park Service.

*Dive flag* means a flag not less than 12 inches square, red in color, with a white stripe running diagonally from the top of the staff to the opposite lower corner. The white stripe shall be one-fifth the width of the flag.

*Downed aircraft* means an aircraft that cannot become airborne as a result of mechanical failure, fire, or accident.

*Firearm* means a loaded or unloaded pistol, rifle, shotgun or other weapon which is designed to, or may be readily converted to, expel a projectile by the ignition of a propellant.

*Fish* means any member of the subclasses *Agnatha*, *Chondrichthyes*, or *Osteichthyes*, or any mollusk or crustacean found in salt water.

*Fishing* means taking or attempting to take fish.

*Flat wake speed* means the minimum required speed to leave a flat wave disturbance close astern a moving vessel yet maintain steerageway, but in no case in excess of 5 statute miles per hour.

*Harbor* means a natural or artificially improved body of water providing protection for vessels, which may include anchorage, mooring or docking facilities.

*Hunting* means taking or attempting to take wildlife, except trapping.

*Legislative jurisdiction* means lands and waters under the exclusive or concurrent jurisdiction of the United States.

*Manned submersible* means any vessel that carries or is capable of carrying passenger(s) within the confines of the vessel below the surface of the water.

*Manual wheelchair* means a device that is propelled by human power, designed for and used by a mobility-impaired person.

*Motorcycle* means every motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

*Motorized wheelchair* means a self-propelled wheeled device, designed solely for and used by a mobility-impaired person for locomotion, that is both capable of and suitable for use in indoor pedestrian areas.

*Motor vehicle* means every vehicle that is self-propelled and every vehicle that is propelled by electric power, but not operated on rails or upon water, except a snowmobile and a motorized wheelchair.

*National Park System (Park area)* means any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

*Net* means a seine, weir, net wire, fish trap, or other implement designed to entrap fish, except a hand-held landing net used to retrieve fish taken by hook and line.

*Nondeveloped area* means all lands and waters within park areas other than developed areas.

*Operator* means a person who operates, drives, controls, otherwise has charge of or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

*Other Federal reservations in the environs of the District of Columbia* means Federal areas, which are not under the administrative jurisdiction of the National Park Service, located in Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the City of Alexandria in Virginia and Prince Georges, Charles, Anne Arundel, and Montgomery Counties in Maryland, exclusive of military reservations, unless the policing of military reservations by the U.S. Park Police is specifically requested by the Secretary of Defense or a designee thereof.

*Pack animal* means horses, burros, mules or other hoofed mammals when designated as pack animals by the superintendent.

*Park area.* See the definition for *National Park System* in this section.

*Park road* means the main-traveled surface of a roadway open to motor vehicles, owned, controlled or otherwise administered by the National Park Service.

*Permit* means a written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.

*Person* means an individual, firm, corporation, society, association, partnership, or private or public

body.

*Personal watercraft* refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

*Pet* means a dog, cat or any animal that has been domesticated.

*Possession* means exercising direct physical control or dominion, with or without ownership, over property, or archeological, cultural or natural resources.

*Power-driven vessel* means any vessel propelled by machinery.

*Practitioner* means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by the United States or the jurisdiction in which such person practices to distribute or possess a controlled substance in the course of professional practice.

*Public use limit* means the number of persons; number and type of animals; amount, size and type of equipment, vessels, mechanical modes of conveyance, or food/beverage containers allowed to enter, be brought into, remain in, or be used within a designated geographic area or facility; or the length of time a designated geographic area or facility may be occupied.

*Refuse* means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded materials.

*Regional Director* means the official in charge of a geographic area of the National Park Service.

*Sailing vessel* means any vessel under sail provided, if propelling machinery is fitted, it is not being used.

*Secretary* means the Secretary of the Interior.

*Services* means, but is not limited to, meals and lodging, labor, professional services, transportation, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.

*Sewage* means human body waste or the waste from a toilet or other receptacle intended to receive or retain body waste.

*Smoking* means the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.

*Snowmobile* means a self-propelled vehicle intended for travel primarily on snow, having a curb weight of not more than 1000 pounds (450 kg), driven by a track or tracks in contact with the snow,

and steered by ski or skis in contact with the snow.

*State* means a State, territory, or possession of the United States.

*State law* means the applicable and nonconflicting laws, statutes, regulations, ordinances, infractions and codes of the State(s) and political subdivision(s) within whose exterior boundaries a park area or a portion thereof is located.

*Superintendent* means the official in charge of a park area or an authorized representative thereof.

*Take* or *taking* means to pursue, hunt, harass, harm, shoot, trap, net, capture, collect, kill, wound, or attempt to do any of the above.

*Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

*Traffic control device* means a sign, signal, marking or other device placed or erected by, or with the concurrence of, the Superintendent for the purpose of regulating, warning, guiding or otherwise controlling traffic or regulating the parking of vehicles.

*Trap* means a snare, trap, mesh, wire or other implement, object or mechanical device designed to entrap or kill animals other than fish.

*Trapping* means taking or attempting to take wildlife with a trap.

*Underwater diving* means the use of any apparatus, whether self contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water, can obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water. Underwater diving would include, but is not be limited to use of SCUBA, surface supplied air, mixed gas, or re-breathers.

*Underway* means when a vessel is not at anchor, moored, made fast to the shore or docking facility, or aground.

*Unloaded*, as applied to weapons and firearms, means that:

- (1) There is no unexpended shell, cartridge, or projectile in any chamber or cylinder of a firearm or in a clip or magazine inserted in or attached to a firearm;
- (2) A muzzle-loading weapon does not contain gun powder in the pan, or the percussion cap is not in place; and
- (3) Bows, crossbows, spear guns or any implement capable of discharging a missile or similar device by means of a loading or discharging mechanism, when that loading or discharging mechanism is not charged or drawn.

*Un-manned submersible* means any device operated by remote control, used or capable of being used, to search or collect below the surface of the water. This definition does not apply to a device being used lawfully for fishing.

*Vehicle* means every device in, upon, or by which a person or property is or may be transported or drawn on land, except snowmobiles and devices moved by human power or used exclusively upon

stationary rails or track.

*Vessel* means every description of watercraft, or other artificial contrivance used, or capable of being used, as a means of transportation on the water. This definition does not apply to a seaplane on the water.

*Weapon* means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a weapon the possession of which is prohibited under the laws of the State in which the park area or portion thereof is located.

*Wildlife* means any member of the animal kingdom and includes a part, product, egg or offspring thereof, or the dead body or part thereof, except fish.

## **Section 1.2 Applicability and Scope**

(a) The regulations contained in this chapter apply to all persons entering, using, visiting, or otherwise within:

(1) The boundaries of federally owned lands and waters administered by the National Park Service;

(2) The boundaries of lands and waters administered by the National Park Service for public-use purposes pursuant to the terms of a written instrument;

(3) Waters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters and areas within their ordinary reach (up to the mean high water line in places subject to the ebb and flow of the tide and up to the ordinary high water mark in other places) and without regard to the ownership of submerged lands, tidelands, or lowlands;

(4) Lands and waters in the environs of the District of Columbia, policed with the approval or concurrence of the head of the agency having jurisdiction or control over such reservations, pursuant to the provisions of the Act of March 17, 1948 (62 Stat. 81);

(5) Other lands and waters over which the United States holds a less-than-fee interest, to the extent necessary to fulfill the purpose of the National Park Service administered interest and compatible with the nonfederal interest.

(b) The regulations contained in parts 1 through 5, part 7, and part 13 of this chapter do not apply on non-federally owned lands and waters or on Indian tribal trust lands located within National Park System boundaries, except as provided in paragraph (a) or in regulations specifically written to be applicable on such lands and waters.

(c) The regulations contained in part 7 and part 13 of this chapter are special regulations prescribed for specific park areas. Those regulations may amend, modify, relax or make more stringent the regulations contained in parts 1 through 5 and part 12 of this chapter.

(d) The regulations contained in parts 2 through 5, part 7, and part 13 of this section shall not be construed to prohibit administrative activities conducted by the National Park Service, or its



agents, in accordance with approved general management and resource management plans, or in emergency operations involving threats to life, property, or park resources.

(e) The regulations in this chapter are intended to treat a mobility-impaired person using a manual or motorized wheelchair as a pedestrian, and are not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same regulations.

[51 FR 37010, Oct. 17, 1986, as amended at 52 FR 10683, Apr. 2, 1987; 52 FR 35239, Sept. 18, 1987; 61 FR 35136, July 5, 1996]

### **36 CFR §1.5 (a)(1) – Closures and public use limits**

The following closures and public use limits are necessary for the maintenance of public health and safety, protection of the park's cultural, historic, archeological and scenic values, proper implementation of management responsibilities, equitable allocation and use of facilities, and the avoidance of conflict among visitor use activities.

Pursuant to 36 CFR 1.5 the following are the closures, public use limits or restrictions applicable within San Juan National Historic Site:

(a) **Schedule of Visiting Hours.** The following areas and sites are open to public entry at the specified times. Dates and times listed are approximate, being dependent upon weather, staffing, and funding levels, as well as unforeseen circumstances. Current hours of operation or other specific site information may be obtained by contacting the sites listed below or by writing to the Superintendent: 501 Calle Norzagaray, San Juan, Puerto Rico 00901. [www.nps.gov/saju](http://www.nps.gov/saju)

#### **Hours of Operation/Public Use Hours**

**Castillo San Felipe del Morro** is open to the general public during the hours of 9 a.m. until 6 p.m., seven days a week and during special evening programs, with the exception of the following federal holidays: Thanksgiving, Christmas and New Year's Day. (787) 729-7423.

**The Grounds of San Felipe Del Morro** are open daily. NPS equipment and buildings are unattended and at risk during nighttime hours. The Park is not responsible for injury, theft or accidents. You can visit the grounds at your own risk.

**San Juan City Historic walls** are open for the public enjoyment. The park is not responsible for injury, theft or accidents. You can visit the grounds at your own risk. Please help us preserve it by sitting or not climbing on the Historic walls.

**Castillo San Cristobal:** is open to the general public during the hours of 9 a.m. until 6 p.m., seven days a week and during special evening programs until 7 p.m., with the exception of the following federal holidays: Thanksgiving, Christmas and New Year's Day. (787) 729-6777.

**These areas have been designated as day use to the public safety concerns and the marine environment during the hours of darkness.**

**Fort San Juan de la Cruz (El Cañuelo):** The grounds around the fort will follow the opening and closure times determined by Isla de Cabras National Park, which is managed by Compañía de Parques Nacionales de Puerto Rico. The fort is monitored during the week by Park Rangers and programs are offered during the weekend to enter the fortification.

**Paseo del Morro National Recreational Trail:** The area known as the Paseo del Morro is open to the general public during the hours of 6 a.m. until 10 p.m., seven days a week. The area is closed to pets, motorized vehicles, special events, skating, skateboards and bicycles. Fishing is not allowed in the area.

**Las Palmas Bastion:** The area known as Las Palmas is closed from 10 p.m. to 6 a.m. This area is monitored by Park Rangers and local Police, no restrooms or other visitor services are available. This area has been designated as day use due to public safety concerns during the hours of darkness.

**Parking Areas:**

The San Carlos dry moat at Castillo San Cristobal is designated as paid visitor parking during the hours of 9 a.m. until 6 p.m., seven days a week, during special programs, except during the following federal holidays: Thanksgiving, Christmas, and New Year's Day.

San Carlos parking area is restricted to all vehicles exceeding 28 foot total length (front end to rear end). The limited space and the narrow curves at the exit way make it a safety hazard and potential damage to the resources for vehicles exceeding this length to negotiate these curves.

Castillo San Cristobal dry moat has designated parking for employees, park residents, guests, and authorized personnel only.

Castillo San Cristobal Plaza Norzagaray is designated as a short term (Not to exceed 10 Minutes) parking for authorized personnel only and official business.

El Polvorin parking area is restricted to park employees and authorized personnel only with the required via NPS sticker or temporary pass permit.

Unless otherwise posted the speed limit will be 5 MPH.

**Buildings**

**208:** Discovery Center is open to the general public from 9 a.m. until 5 p.m. Monday through Friday with the exception of holidays.

**209:** Park Headquarters is open to the public for official matters from 8 a.m. until 4:30 p.m. Monday through Friday with the exception of holidays.

**213:** The Visitor Center located at Building 213 is open to the general public during business hours, 9 a.m. to 6 p.m., seven days a week and during special evening programs, with the

exception of the following federal holidays: Thanksgiving, Christmas, and New Year's Day.

**Quarters 210A, 210B, and 211:** Are closed to the general public.

**Cultural Resources and Archives:** The area known as the Archives, located at Building 213, is open to the public for research by appointment only Monday to Friday from 9 a.m. to 3 p.m. and closed on federal holidays.

**Polvorín de Santa Elena:** The maintenance area located within Castillo San Felipe de Morro grounds, and known as El Polvorín, is closed for use to the general public. The use is restricted to park personnel from 7 a.m. to 4:30 p.m. Monday through Friday, with the exception of federal holidays.

**San Juan Gate:** The area known as San Juan Gate is accessible to the public 24 hours.

**Other Areas Closed to the General Public:** These areas are identified by symbolic signs, barriers and/or locks.

**Project Areas:** All project areas are closed to the general public except those which have been designated by the Superintendent to serve as interpretive preservation demonstration areas.

### **36 CFR §1.5 Closures and Public Use Limits**

The following activities are not consistent with applicable Federal regulations park legislation, and administrative policies and require a closure for the maintenance of public health and safety, protection of the park's cultural, historic, archeological, and scenic values, proper implementation of management responsibilities, equitable allocation and use of facilities, and the avoidance of conflict among visitor use activities. The closures for the below activities are not legislatively mandated and its prohibition support the purpose for which the park was established as a historical site; they are imposed under discretionary authority.

#### **The following activities are prohibited within the legislative boundaries of the San Juan National Historic Site:**

- Kite flying inside the forts, consumption of food inside the forts, smoking in a non-designated area, and smoking in office areas and fortifications (36 CFR §1.5(f)).
- Hunting and trapping (36 CFR §2.2).
- Fishing (36 CFR §2.3).
- Weapons (36 CFR §2.4).
- Camping (36 CFR §2.10). Except as authorized.
- Fires (36 CFR §2.13).
- Horses and Pack Animals (36 CFR §2.16). Except as authorized.
- Aircraft and Air Delivery.  
(36 CFR §1.17(e)) The operation or use of hovercraft is prohibited.  
(36 CFR §1.17(a)(3)) Delivering or retrieving a person or object by parachute, helicopter, or other airborne means. Except as authorized.
- Skating, skateboards, and similar devices (36 CFR §2.20). Except in park road and with safety equipment.

- Alcoholic Beverages (36 CFR §2.35). Except as authorized.
- Explosives (36 CFR §2.38). Using or possessing fireworks and firecrackers is prohibited.
- Livestock Use (36 CFR §2.60).
- Hitchhiking (36 CFR §4.31).
- Alcoholic beverages; sale of intoxicants (36 CFR §5.2).
- No stun guns, ammunition, knives, mace or aerosol cans, suitcases, duffel bags or backpacks larger than 18"x16"x8,"; food (except for a small quantity of sealed food items; beverages (except water or baby formula in clear plastic containers) or tangible objects that could reasonably threaten public safety and security.

### **36 CFR §1.6 Permits**

The following activities are consistent with applicable Federal regulations, park legislation, and management policies. These activities require the issuance of a Special Park Use permit to maintain public health, safety, and protection of the park's cultural, historic, archeological, and scenic values. The proper implementation of management responsibilities, equitable allocation, use of facilities, and the avoidance of conflict among visitor use activities are imposed under discretionary authority.

In accordance with 36 CFR 7.96 (g) (3) information is generally required to be provided in an application for demonstration and special event permits. Applications are accepted no earlier than one year in advance of the proposed demonstration or prior to the proposed set-up of the demonstration or special event and generally at least 48 hours in advance of the proposed event. Applications shall be submitted from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding federal holidays at the Headquarters building in San Cristobal. Applications shall provide the information specified on the approved National Park Service public gathering form, including:

- ☐ Name of applicant/organization
- ☐ Date, time, and duration of proposed activity
- ☐ Nature of activity and proposed location
- ☐ Number of persons involved/expected
- ☐ Equipment and facilities desired
- ☐ Provisions made for clean-up and site restoration

### **The following is a list of other activities that require a permit from the Superintendent.**

The CFR references follow the activities.

- (i) Specimen Collection CFR (2.5)
- (ii) Research Surveys CFR (2.51)
- (iii) Display of fireworks or other explosive devices CFR (2.38)
- (iv) Livestock and Agricultural use CFR (2.60)
- (v) Memorialization CFR (2.62)
- (vi) Operating a business CFR (5.3)
- (vii) Operating a commercial vehicle CFR (5.6)
- (viii) Special use - construction CFR (5.7)

Coverage of breaking news that does not require any set-up does not require a permit but is subject to the same restrictions and conditions as permitted events necessary to protect park resources and

values, the visitor experience, and public health and safety. A permit will be required for any news events that require any set-up as well as all commercial filming/photography requests.

NOTE: This is an interim limitation on Segways as well as motorized scooters subject to change pending development of NPS Management Policy that addresses this emergent technology in the National Park System.

Segways and motorized scooters, as defined under 36 C.F.R. § 1.4, are motor vehicles. Pursuant to 36 C.F.R. § 1.5(a), 4.10(a) the Park has imposed an interim restriction on the use of Segways and motorized scooters from all areas within the park including all trails and sidewalks. Can only operate on Park designated roads.

Finally, use of any mobility assistive device, as outlined above, must also adhere to the following:

- a) No person under 16 years of age may operate a Segway.
- b) A person shall operate any mobility assistive device in a safe and responsible manner; maximum speed will not exceed more than 5 M.P.H. (“Segway sidewalk/Intermediate” key), so as not to endanger one’s self or any other park visitor.
- c) A person riding any mobility assistive device upon and along a sidewalk, while crossing a roadway in a crosswalk, entering or exiting from an elevator, or on any other surface shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobility assistive device operator must always yield to pedestrians (park visitors). Elevator use will be the only exception – users on any mobility assistive device will enter first, be allowed time to park and secure such device and will be last to exit.

All balloons are prohibited in the park, unless otherwise authorized by the Superintendent. As a condition of a permit issued by the Superintendent, large helium-filled balloons may be carried in a parade under a permit. Such permitted balloons must remain tethered at all times, and all reasonable efforts will be made to recover any lost balloons.

Restrictions on Food and Drinks. The presence of food and drink is incompatible with other visitor uses; this may create a litter problem and may cause damage to concession or natural history association items such as books, and may attract undesirable insects such as ants, inside buildings. Because of the heat and humidity in Puerto Rico and the potential for dehydration, drinking water and hydration drinks in plastic containers is permitted.

Motorized wheelchairs shall be permitted in all public, where access is feasible. Motorized wheelchair use will be allowed only for individuals eligible for Handicapped Vehicle license plates or similar Federal criteria. Proof of disability must be carried at all times by persons using a motorized wheelchair.

Flying kites is permitted. The flying of kites cannot impact other visitors. All persons engaged in kite flying must make a reasonable effort to prevent resource damage, including the collection of all kite materials. A buffer zone of 50 feet away from the main road, the fortifications, walls and moats is required as a public safety measure.

Flying remote model airplanes/cars are prohibited in the park.

## **Section 1.7 Public Notices**

Copies of this compendium and activity area maps are available on the Internet at:  
[www.nps.gov/saju](http://www.nps.gov/saju) and available upon request at:

**San Juan National Historic Site  
501 Calle Norzagaray  
San Juan, Puerto Rico 00901**

### **36 CFR Preservation of natural, cultural and archeological resources**

(a)(7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or sub bottom profiler

36 CFR §2.4 Traps or Net  
36 CFR §2.5 Research Specimens  
36 CFR §2.23 Recreation Fees  
36 CFR §2.37 Noncommercial Soliciting  
36 CFR §2.50 Special Events  
36 CFR §2.51 Public Assemblies, Meetings  
36 CFR §2.52 Sale and Distribution of Printed Matter  
36 CFR §2.62 Memorialization  
36 CFR §5.1 Advertisements  
36 CFR §5.3 Business Operation  
36 CFR §5.4 Commercial passenger-carrying motor vehicles  
36 CFR §5.5 Commercial Photography  
36 CFR §5.6 Commercial Vehicles  
36 CFR §5.7 Construction of Buildings or Other Facilities

### **36 CFR §1.10(a) – Symbolic signs**

Certain signs designate activities which are either allowed or prohibited.

## **36 CFR, Part 2 RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **36 CFR §2.1 – Preservation of natural, cultural, and archeological resources**

(a)(1)(ii) The removing of plants, trees or any other vegetation is prohibited.  
(a)(2) Introducing wildlife, fish or plants, including their reproductive bodies, into a park area ecosystem.  
(a)(5) As stated in 36 CFR; applicable to historic structures, monuments, and artillery pieces exhibits  
(a)(6) As stated in 36 CFR  
(a)(7) As Stated in 36 CFR  
(b) Shortcutting the Paseo del Morro National Recreational Trail  
(c)(3) As stated in 36 CFR

### **36 CFR §2.2 - Wildlife protection**

(a)(1), (2) (3) As stated in 36 CFR

### **36 CFR §2.3 - Fishing**

(a) Closure imposed under discretionary authority.

### **36 CFR §2.4 – Weapons, traps, and nets**

(a)(1) Closure imposed under discretionary authority.

(d)(3) As stated in 36 CFR

(e) As stated in 36 CFR

### **36 CFR §2.5 - Research specimens**

(a) As stated in 36 CFR

### **36 CFR §2.10 – Camping and food storage**

(a) Closure imposed under discretionary authority.

### **36 CFR §2.11 - Picnicking**

Picnicking is prohibited inside Castillo San Felipe del Morro, Castillo San Cristobal, parking areas, and closed areas. Picnicking on the grounds of El Morro is allowed subject to the following restrictions:

- Only incidental, i.e., in conjunction with a visit to the park buildings, picnicking is allowed.
- The setting up of tables, loudspeakers, chairs, etc. in conjunction with picnicking is prohibited.
- Picnicking in connection with a public gathering or special event for which a permit has been issued pursuant to 2.50 or 2.51 is allowed.
- Picnicking by park Residents is allowed within the confines of their yards.
- The use of B-B-Q's, boiling devices, charcoal fires, propane stoves and any other solid fuel burners are prohibited. Except as authorized.

### **36 CFR §2.12 – Audio disturbances**

(a)(1), (2) and (4) As stated in 36 CFR.

### **36 CFR §2.13 - Fires**

(a)(1) Closure imposed under discretionary authority.

### **36 CFR §2.14 - Sanitation and refuse**

(a)(1) As stated in 36 CFR.

(a)(2) As stated in 36 CFR.

(a)(3) As stated in 36 CFR.

(a)(4) Draining refuse from a trailer or other vehicle within the jurisdictional boundaries of the San Juan National Historic Site is prohibited.

(a)(7) Disposing of fish remains on park property is prohibited.

(a)(8) The disposal of human body waste outside the public restrooms is prohibited.

### **36 CFR §2.15 – Pets**

**“Pet” means dogs, cats, or any animal that has been domesticated. [36 CFR §1.4]**

(a), (c), (d), (e), and (f) As stated in 36 CFR. Pets must be physically restrained at all times either by crating, caging or on a leash no more than six (6) feet in length and waste must be disposed of by placing in a plastic bag and depositing in a trash receptacle. Animals running-at-large and not claimed by the owner within a reasonable period of time will be turned over to San Juan Municipality animal control officers. Pets are not permitted within the visitor center or in any exhibit buildings. This restriction does not apply to guide dogs for the visually or hearing impaired.

### **36 CFR §2.16 – Horses and pack animals**

(a) Closure imposed under discretionary authority.

### **36 CFR §2.17 - Aircraft and air delivery**

(a) Closure imposed under discretionary authority. The provisions of this section shall not be applicable to official business of the Federal Government, or emergency rescues in accordance with the directions of the Superintendent, or to landings due to circumstances beyond the control of the operator.

### **36 CFR §2.20 - Skating, skateboards, and similar devices**

Closure imposed under discretionary authority.

### **36 CFR §2.21 – Smoking**

(a) Smoking is prohibited in the following areas:

Smoking is prohibited in all government buildings, including memorials and monuments.

Smoking is prohibited within 500 feet of any fuel storage dispensing facility.

Smoking is prohibited in large public concentrated gatherings.

### **36 CFR §2.22 – Property**

(a), (b), and (c) As stated in 36 CFR.

### **36 CFR §2.23 - Recreation fees**

(a), (b), and (c) As stated in 36 CFR.

### **36 CFR §2.30 Misappropriation of property and services**

(a), (b), and (c) As stated in 36 CFR.

### **36 CFR §2.31 Trespassing, tampering, and vandalism**

(a) and (b) As stated in 36 CFR.

### **36 CFR §2.32 Interfering with agency functions**

(a) and (b) As stated in 36 CFR.

### **36 CFR §2.33 Report of injury or damage**

(a) and (b) As stated in 36 CFR.

### **36 CFR §2.34 Disorderly conduct**

(a) and (b) As stated in 36 CFR.



### **36 CFR §2.35 - Alcoholic beverages and controlled substances**

- (a) Closure imposed under discretionary authority.
- (b) and (c) As stated in 36 CFR.

### **36 CFR §2.36 – Gambling**

- (a) and (b) As stated in 36 CFR.

### **36 CFR §2.37 - Non-commercial soliciting**

As stated in 36 CFR.

### **36 CFR §2.38 - Explosives**

Closure imposed under discretionary authority.

### **36 CFR §2.50 - Special events**

- (a), (b), and (c) As stated in 36 CFR.

### **36 CFR §2.51 - Public Assemblies and Meetings**

- (a)through (i) As stated in 36 CFR.

**(a) Demonstrations.** The term “demonstrations” includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services, and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to attract a crowd or onlookers. This term does not include casual park use by visitors or tourists that is not reasonably likely to attract a crowd or onlookers.

**(b) Permits and the small group permit exception.** Demonstrations are allowed within park areas designated as available under paragraph (c)(2) of this section, when the superintendent has issued a permit for the activity, except that:

**(1)** Demonstrations involving 25 persons or fewer may be held without a permit within designated park areas, provided that:

**(i)** None of the reasons for denying a permit that are set out in paragraph (f) of this section are present;

**(ii)** The group is not merely an extension of another group already availing itself of the small group permit exception under this provision;

**(iii)** They will not unreasonably interfere with other permitted demonstrations and special events, or park program activities; and

**(iv)** Hand-carried signs may be used, but stages, platforms, or structures may not be used.

**(2)** While it is not mandatory, the organizer is requested to provide reasonable notice of the proposed event to the park superintendent, including whether there is any reason to believe that there may be an attempt to disrupt, protest, or prevent the activity.

(3) The 25-person maximum for the small group permit exception may be reduced for a designated available area, but only if:

(i) A written determination that a 25-person group cannot be reasonably physically accommodated within that area is approved by the regional director; and

(ii) The written determination is made available at the office of the superintendent and by public notice under § [1.7](#) of this chapter.

(4) In the event that two or more groups taking advantage of the small group permit exception seek to use the same designated available area at the same time, and the area cannot reasonably accommodate multiple occupancy, the superintendent will, whenever possible, direct the later-arriving group to relocate to another nearby designated available area.

**(c) Designated available park areas.** (1) Locations may be designated as available for demonstrations under this section, and for the sale or distribution of printed matter under § [2.52](#), only if these activities would not:

(i) Cause injury or damage to park resources;

(ii) Unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic, or commemorative zones;

(iii) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the National Park Service;

(iv) Substantially impair the operation of public use facilities or services of National Park Service concessioners, holders of commercial use authorizations, or contractors;

(v) Present a clear and present danger to the public health and safety; or

(vi) Be incompatible with the nature and traditional use of the particular park area involved.

(2) The superintendent must designate on a map, which must be available in the office of the superintendent and by public notice under § [1.7](#) of this chapter, the locations designated as available for demonstrations and the sale or distribution of printed matter.

**(d) Application for permit.** A permit application must provide:

(1) The name of the applicant or the name of the organization (if any);

(2) The date, time, duration, nature, and place of the proposed event;

(3) An estimate of the number of persons expected to attend;

(4) A statement of equipment and facilities to be used;

(5) Whether there is any reason to believe that there will be an attempt to disrupt, protest, or prevent the event; and

(6) Any other information required by the permit application form.

(e) The superintendent must not accept an application more than one year before the proposed event (including time required for set-up); applications received more than a year in advance will be returned to the applicant.

**(f) Processing the application.** The superintendent must issue a permit within ten days of receiving a complete and fully executed application unless:

(1) The superintendent has granted or will grant a prior application for a permit for the same time and place, and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area;

(2) It reasonably appears that the event will present a clear and present danger to public health or safety;

(3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering such things as damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities;

(4) The location applied for has not been designated as available under paragraph (c)(2) of this section;

(5) The application was submitted more than one year before the proposed event (including set-up); or

(6) The activity would constitute a violation of an applicable law or regulation.

**(g) Written denial of permit.** If a permit is denied, the superintendent will inform the applicant in writing of the denial and the reasons for it.

**(h) Permit conditions.** The permit may contain conditions reasonably consistent with the requirements of public health and safety, protection of park resources, and the use of the park area for the purposes for which it was established. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

**(i) Permit duration.**

(1) Permits may be issued for a maximum of 14 consecutive days.

(2) A permit may be extended for up to 14 days, but a new application must be submitted for each extension requested.

(3) The extension may be denied if another applicant has requested use of the same location and the location cannot reasonably accommodate multiple occupancy.

**(j) Violation prohibited.** Violation of these regulations or the terms of the permit is prohibited.

**(k) Permit revocation, termination of small group exception.**

(1) The superintendent may revoke a permit for any violation of its terms and conditions.

(2) The superintendent may revoke a permit, or order a small group permit exception activity to cease, when any of the conditions listed in paragraph (f) of this section exist.

(3) The superintendent will make the revocation or order to cease in writing, with the reasons clearly set forth. In emergency circumstances the superintendent will make an immediate verbal revocation or order to cease, followed by written confirmation within 72 hours.

**36 CFR §2.52 - Sale or distribution of Printed Matter**

(a) through (j) As stated in 36 CFR.

**36 CFR §2.60 - Livestock Use and Agriculture**

Closure imposed under discretionary authority.

**36 CFR §2.61 - Residing on Federal Land**

(a) and (b) As stated in 36 CFR.

**36 FR §2.62 - Memorialization**

(a)through (d) As stated in 36 CFR.

**36 CFR PART 3 - BOATING AND WATER USE ACTIVITIES**

Closure imposed under discretionary rule.

**36 CFR PART 4 - VEHICLES AND TRAFFIC SAFETY**

**36 CFR §4.2 – State Law Applicable**

(a) Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is adopted and made a part of the regulations in this part.

(b) Violating a provision of State law is prohibited.

Traffic and the use of vehicles within park area are governed by Puerto Rico Traffic Law #22 and additional 36 CFR regulations contained in the Schedule of Collaterals for Forfeiture. Unless otherwise posted the speed limit will be 5 MPH.

**36 CFR PART 5 - COMMERCIAL AND PRIVATE OPERATIONS**

**36 CFR §5.1 - Advertisements**

As stated in 36 CFR.

**36 CFR §5.3 - Business Operations**

Closure imposed under discretionary authority.

**36 CFR §5.5 - Commercial Photography**

As stated in 36 CFR.

**36 CFR §5.6 - Commercial Vehicles**

As stated in 36 CFR.

**36 CFR §5.7 - Construction of Buildings or Other Facilities**

As stated in 36 CFR.

## CODE OF FEDERAL REGULATIONS

### TITLE 36

#### WRITTEN DETERMINATION FOR JUSTIFYING ACTIONS LISTED IN THE SUPERINTENDENT'S COMPENDIUM OF DESIGNATIONS, CLOSURES, REQUEST REQUIREMENTS AND OTHER RESTRICTIONS

IN ACCORDANCE WITH REGULATIONS AND THE DELEGATED AUTHORITY PROVIDED IN TITLE 36, CODE OF FEDERAL REGULATIONS, CHAPTER I, SECTION 1.5(C), THE FOLLOWING JUSTIFICATIONS ARE PROVIDED TO IDENTIFY THE REASONING BEHIND THE USE OF THE SUPERINTENDENT'S DISCRETIONARY AUTHORITY IN SETTING FORTH THE VARIOUS CLOSURES, DESIGNATIONS, ETC, AS LISTED IN THE SUPERINTENDENT'S COMPENDIUM, AND REQUIRED BY SECTION 1.7(B).

#### SECTION 1.5(a)(1) CLOSURES AND PUBLIC USE LIMITS

**Castillo San Felipe del Morro and Castillo San Cristobal:** Their primary purpose is to provide visitors with the opportunity to view and experience this cultural resource in a contemplative environment with the various interpretive activities offered by the park. This purpose will take precedence over all other activities.

Public use of the forts is restricted to the hours of 9 a.m. 6 p.m. and during special evening programs until 7 p.m., with the exception of the following federal holidays: Thanksgiving, Christmas and New Year's Day. (787) 729-6777. A consideration for the safety of park personnel and visitors, the availability of park personnel and the protection of the historic forts. Unless authorized.

Mercado Bastion is closed for use due to the public safety hazard which its steep stairway and ramp represents to the general public.

The Lighthouse located on the 6<sup>th</sup> level is part of the active lighthouse system for the U.S. Coast Guard is open to the public.

Areas within the forts secured with metal gates or wooden door are closed to the general public for safety and security reasons.

**Fort San Juan de la Cruz (El Cañuelo):** Fort San Juan de la Cruz grounds are open to the general public in accordance with opening and closing procedures established by the Compañía de Parques Nacionales. The fort can be accessed by the general public on the weekends with a Park Ranger.

**Paseo del Morro National Recreational Trail:** The hours of operation for the area known as Paseo del Morro (Jeep trail) are controlled by a General Agreement between the San Juan National Historic Site and the Commonwealth of Puerto Rico Tourism Company. The area is a National Recreational Trail and for safety reasons it is proper only for walking activities. No bicycles are allowed. Only authorized vehicles are allowed.

**Buildings:**

Building 208 serves as the Discovery Center and is open to the general public for official business only.

Building 209 serves as the Headquarters for the San Juan National Historic Site and is open to the general public for official business only.

Building 213 serves as the new visitor entrance to Castillo San Cristobal and is open to the general public during the hours of 9:00 a.m. to 6:00 p.m. These hours take into consideration the safety of park personnel and visitors, the availability of manpower, and the protection of park property.

Buildings 210A, 210B, and 211 serve as the park's residential quarters and remain closed for use to the general public in consideration of the privacy and security of park residents.

**Parking Areas:**

San Carlos Dry moat parking area serves as the main parking area for public visitation and the hours of operation are mandated by those in effect for Building 213.

San Carlos parking area is restricted to all vehicles exceeding 28 foot total length (bumper to bumper). The limited space and the narrow curves at the exit way make it a safety hazard and potential damage to the resources for vehicles exceeding this length to negotiate these curves. This area

The parking area located at the entrance to Castillo San Cristobal (upper area) serves as official parking for deliveries, authorized park personnel, and visitors on official matters only.

The parking area located at El Polvorín de Santa Elena serves as parking for park personnel working at the El Polvorin and Castillo San Felipe del Morro areas.

**Cultural Resources and Archives:** The Cultural Resources and Archives are open to the general public for research by appointment only Monday through Friday from 9 .am. – 3 p.m. The area houses the park's research program and park collection.

**El Polvoriín de Santa Elena Area:** The area known as El Polvorín de Santa Elena serves as the Facility Management Division offices and main workshop.

**La Rogativa:** The area known as La Rogativa is open 24 hours. On few occasions closure restrictions may be imposed based on requests by the Governor's security due to its proximity to the Governor's Mansion.

**San Juan Gate:** The San Juan Gate remains open 24 hours under normal conditions and a closure may be imposed based on requests by the Governor's security due to its proximity to the Governor's Mansion.

**Grounds of Castillo San Felipe del Morro:** The primary purpose of the glacis area directly in front of Castillo San Felipe del Morro, is as an historical landscape that supplements interpretive activities inside and outside the fort, and as a secondary purpose for passive recreation. Preserving the historic setting will take precedence over all other activities. The open spaces within the grounds of Castillo San Felipe del Morro and the Bastions remain open 24 hours to the public due to the fact that the placement of physical barriers represents a visual intrusion to the historic setting.

**The Outworks Area at Castillo San Cristobal:** The Outworks area is open to the public thru the 213 entrance and is open 9 a.m. to 6 p.m.

**First Amendment Area:** A first amendment area is designated by the Park Superintendent in compliance to the federal law requirements. This area is designated the low hill area of the grounds of Castillo San Felipe del Morro and next to Santa Rosa Bastion area.

**Walls and Bastions of San Juan:** One of the main features of San Juan, and one that gives it a sense of identity, is the 3 miles of walls and bastions that enclose the historic city and integrate the two forts. The main purpose of the walls and bastions is their interpretive purpose in their defensive system. This purpose will take precedence over all other activities. The bastions located along the North, South, and West walls within the jurisdiction of the park are open 24 hours for passive recreation. Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, historical walls or statue is prohibited, except in designated areas and under conditions established.

**NPS Management policy:** The Organic Act of 1916, which created the National Park Service, directs the Service to conserve park resources “unimpaired” for the enjoyment of future generations. The 1970 National Park System General Authorities Act, as amended in 1978, prohibits the Service from allowing any activities that would cause derogation of the values and purposes for which the parks have been established. Taken together, these two laws impose on National Park Service managers a strict mandate to protect park resources and values, and a responsibility to actively manage all park uses and, when necessary, to regulate their amount, kind, place, and time.

**Visitor Use:** Enjoyment of park resources and values is a fundamental purpose of the San Juan National Historic Site. Many forms of recreation enjoyed by the public do not require a national park setting, and are more appropriate to other venues. The San Juan National Historic Site will therefore: (1) provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the historic context of the park; and (2) defer to local, state, and federal agencies; private industry; and non-governmental organizations to meet the broader spectrum of recreational needs and demands.

To provide for the enjoyment of the park, the San Juan National Historic Site will encourage visitor activities that: (1) are appropriate to the purpose for which the park was established; (2) are inspirational, educational, or healthful, and otherwise appropriate to the park environment; and (3) will foster an understanding of, and appreciation for, park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and (4) can be sustained without causing unacceptable impacts to park resources or values. The primary means by which the San Juan National Historic Site will actively foster and provide activities that meet these criteria will be through its interpretive and educational programs.

Unless mandated by statute, the San Juan National Historic Site will not allow visitors to conduct activities that: (1) would impair park resources or values; (2) create an unsafe or unhealthful environment for other visitors or employees; (3) are contrary to the purposes for which the park was established; or (4) unreasonably interfere with the atmosphere of peace and tranquility, the historic setting, NPS operations, NPS concessioner operations, and other existing appropriate park uses.

**Visitor Safety:** Saving human lives will take precedence over all other management actions as the National Park Service strives to protect people and provide for injury free visits. The Service and its concessionaires, contractors, and cooperators will seek to provide a safe and healthy environment for visitors and employees. Where visitor safety cannot be assured without inappropriate alterations to the historic resources, the area will be closed to the general public.

The closures for the below activities are not legislatively mandated and its prohibition support the purpose for which the park was established as a historical site; these are imposed under discretionary authority.

**Security Cameras:** The San Juan National Historic Site employs a closed circuit video surveillance network/system to monitor activity within for the purpose of security. Information obtained through video monitoring will be used exclusively for security and law enforcement purposes. Video monitoring of the San Juan National Historic Site is limited to uses that do not violate the standard of a “reasonable expectation of privacy” as defined by law. Audio recording and/or audio storage is prohibited as defined by the Electronic Communication Privacy Act of 1986; signs are strategically posted.

**Special Park Uses:** Special events, First Amendment Activities, Filming, and Photography are considered special park uses which require a permit from the park Superintendent. The park’s Special Park Uses Policy sets forth restrictions and limitations for each one of them. The San Juan National Historic Site has no legislatively mandated Special Park Uses, making those requests for First Amendment Activities a right and the rest a privilege.

### **36 CFR §1.5 - Closures and public use limits. As stated in 36 CFR.**

**36 CFR §1.6 - Permits:** The Superintendent may issue a permit to authorize an otherwise prohibited or restricted activity or impose a public use limit. The activity authorized by a permit shall be consistent with applicable legislation, Federal regulations and management policies. The permit shall be based upon a determination that public health, safety, and environmental or scenic values, natural and cultural resources, scientific research, implementation of management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities will not be adversely impacted.

### **36 CFR §1.7 - Public notice. As stated in 36 CFR.**

**36 CFR §1.10 - Symbolic Signs:** Symbolic signs provide general information and regulatory guidance park wide. Activities which were determined to be inconsistent with applicable legislation and federal Federal regulations and management policies, and are necessary for the maintenance of public health, safety, protection of environmental or scenic values, and the protection of natural and cultural resources will be prohibited. This type of informational



guidance is universally understood. Activities symbolized by a sign bearing a slash mark are prohibited.

### **36 CFR §2.1 - Preservation of natural, cultural, and archeological resources:**

Preserving park resources and values unimpaired is the core or primary responsibility of National Park Service managers. The Service cannot conduct or allow activities in parks that would impact park resources and values to a level that would constitute impairment. In case of doubt as to the impacts of activities on park natural resources, the Service will decide in favor of protecting the park resources.

Natural resources will be managed to preserve fundamental physical and biological processes, as well as individual species, features, and plant and animal communities. It will try to maintain all the components and processes of naturally evolving park ecosystems, including the natural abundance, diversity and genetic and ecological integrity of the plant and animal species native to those ecosystems.

The introduction of exotic species into park areas is of concern because they did not evolve in concert with the species native to the place, and since they are not a natural component of the natural ecosystem at the place.

The physical attributes of cultural resources are, with few exceptions, nonrenewable. Once the historic fabric of a monument is gone, nothing can bring back its authenticity. Once the objects in an archeological site are disturbed, nothing can recover the information that might have been gained through analysis of their spatial relationship. The primary concern of cultural resource management, therefore, is to minimize the loss or degradation of culturally significant material.

Visitor activities which involve the use of equipment for the purpose of identifying below surface structures and/or objects will not be allowed since they are not an appropriate visitor activity to the park setting. Only as part of NPS sponsored research they will be allowed to be used.

### **36 CFR §2.2 - Wildlife protection. As stated in 36 CFR.**

**36 CFR §2.3 - Fishing:** the park's enabling legislation does not authorize fishing as a mandated activity nor it is appropriate for the purpose for which the park was established.

**36 CFR §2.4 - Weapons:** As provided for in 36 CFR. The law governing possession of firearms inside a national park changed on February 22, 2010. Visitors may possess firearms within a national park unit provided that they comply with federal, state and local laws. The role of the responsible gun owner is to know and obey the federal, state, and local laws appropriate to the park they are visiting. Please remember that **federal law prohibits firearms in certain park facilities and buildings**. These places are marked with signs at public entrances.

**36 CFR §2.10 - Camping:** the park's enabling legislation does not authorize this activity as a mandated one nor it is appropriate for the purpose for which the park was established.

**36 CFR §2.12 - Audio disturbances:** The Park has established an audio disturbance guideline to govern the volume of public address systems used in conjunction with public gatherings or Special

Events for which a permit has been issued pursuant to §2.50 or §2.51, in order to prevent such public address systems from interfering with visitor use activities, and park neighbors. Audio amplification that: interferes with visitor use activities such as interpretive talks or makes noise which is unreasonably disruptive, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances, is prohibited.

**36 CFR §2.13 - Fires:** The San Juan National Historic Site is an historical park in an urban setting, not a recreational area. Lighting or maintaining a fire is prohibited to ensure cultural/archeological resources protection, public safety and environmental protection.

**36 CFR §2.14 - Sanitation and Refuse:** The following are prohibited: disposing of refuse; using government refuse receptacles for dumping household, commercial, or industrial refuse; depositing refuse in the plumbing fixtures or vaults of a toilet facility; draining refuse from a trailer or other vehicle; and bathing, or washing food, clothing, or other property at public water outlets, and fixtures. The San Juan National Historic Site is an historical park and not a recreational area.

**36 CFR §2.15 - Pets:** Pets are prohibited inside the forts as a safety measure to prevent injuries to visitors, and to prevent pet excrement from being left behind.

All park buildings, to include the forts, parking lots, and trails (Jeep trail) are closed to pets, except guide dogs, hearing ear dogs, and police dogs. Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the America Disability Act (ADA). A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability. Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

#### **Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals**

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what

work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

A person with a disability cannot be asked to remove his service animal from the premises unless:

A. the dog is out of control and the handler does not take effective action to control it or

B. the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

(1) & (f) The provisions of this section shall not apply to dogs which have been trained to assist impaired or handicapped persons, or, to dogs used by authorized federal, state, and local law enforcement officers in performance of their official duties.

(a)(2) Pets will be restrained on a leash that will not exceed 6 feet in length; for all other pets they will be under the immediate control of the owner.

(a)(3) Leaving a pet unattended and/or tied to an object is prohibited.

(a)(5) The following pet excrement disposal conditions are established:

Any person having possession, custody or control of any dog or other animal which defecates in any area of the park shall be required to immediately remove the feces and either: (a) Remove the feces from park property, or (b) place the feces in a non-leaking container for deposit in a trash or litter receptacle.

(a) Pets or feral animals running at large, and which kill, injure, or molest humans or wildlife, may be ordered destroyed by the Superintendent if necessary for public safety and protection of wildlife or other park resources.

(d) Pets or feral animals that are running at large are subject to the park's Feral Animal Control Policy and will be impounded and the owner may be charged for reasonable fees incurred by the Government. An impounded animal will be taken to the Municipal Animal Control Center located at Kennedy Avenue and is subject to their impound/holding laws.

(e) The keeping of pets by park residents is permitted subject to the provisions of the park's Pet and Quarters policy.

**36 CFR §2.16 - Horses and pack animals:** The park's enabling legislation does not authorize this activity as a mandated one nor it is appropriate for the purpose for which the park was established.

**36 CFR §2.17 - Aircraft and air delivery:** Delivering or retrieving a person or object by parachute, helicopter, or other airborne means is prohibited. FAA flight standards for the area (2,000) must be adhered to.

**36 CFR §2.20 - Skating, skateboards, and similar devices:** using roller skates, skateboards, roller skis, coasting devices, or similar devices on park lands is prohibited in order to ensure protection for historic properties, and public safety. Being an historical park this type of activity is inappropriate for the park's setting.

**36 CFR §2.22 - Property:** Property left unattended in violation of this condition may be considered dangerous or threatening to park Resources and public safety. Real property located within the jurisdictional boundaries of the park at the La Perla community and whose owner is deceased, will be impounded by the Government and destroyed. (2) Property, including real property located illegally within the jurisdictional boundaries of the park, and whose resident(s) are deceased, shall be destroyed by the park immediately.

**36 CFR §2.35 (a)(2)(i)(ii) Alcoholic beverages:** The San Juan National Historic Site is an historical park and not a recreational area. As such, the possession and/or consumption or sale of alcoholic beverages has been determined to be an inappropriate activity for the park setting.

**36 CFR §2.35 (3)(I) -** The San Juan National Historic Site is a historical area and not a recreational area and the consumption/possession of alcoholic beverages is an inappropriate activity and in conflict with the commemorative purposes for which the park was established. The closure is also for the safety and health of all visitors.

**36 CFR §2.36 - Gambling:** As stated in 36 CFR.

**36 CFR §2.37 - Noncommercial soliciting:** soliciting or demanding gifts, money, goods or services is prohibited. Solicitation of donations is prohibited on any NPS administered sites in compliance with NPS Director's Order #21.

**36 CFR §2.38 - Explosives:** the San Juan National Historic Site is an historical area and not a recreational area, and the possession and use of explosives is prohibited unless pursuant to the terms and conditions of a permit. Historic Weapons demonstrations with Black Powder will be under the direct supervision of the park's black powder certified Park Ranger.

**(a)** Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit. When permitted, the use, possession, storage and transportation shall be in accordance with applicable Federal and State laws.

**(b)** Using or possessing fireworks and firecrackers is prohibited, except pursuant to the terms and conditions of a permit or in designated areas under such conditions as the superintendent may establish, and in accordance with applicable State law.

(c) Violation of the conditions established by the superintendent or of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

**36 CFR §2.50 - Special Events:** as set forth in 36 CFR, and special regulations under the park's Special Use Policy and RM-53

**36 CFR §2.51 - Public Assemblies and Meetings:** as set forth in 36 CFR, and special regulations under the park's Special Park Use Policy, and RM-53.

**36 CFR §2.52 - Sale or distribution of printed matter:** as provided for in 36 CFR and special regulations under the park's Special Park Use policy, and RM-53.

**36 CFR §2.60 - Livestock use and agriculture:** the park's enabling legislation does not authorize this activity as a mandated one nor it is appropriate for the purpose for which the park was established.

**36 CFR §2.61 - Residing on Federal Lands:** residing within the jurisdictional boundaries of the San Juan National Historic Site is not authorized by Federal statutory law.

**36 CFR §2.62 - Memorialization:** as provided for by 36 CFR.

**36 CFR Part 3 -** The use of lands within the jurisdictional limits of the San Juan National Historic Site for the starting, staging, and/or ending boating and water use activities is not authorized under the park's enabling legislation.

**36 CFR §4.30 - Bicycles:** pursuant to the criteria and procedures of 36 CFR 1.5, the use of bicycles inside the forts and on Parcel A is prohibited for the protection of historic and archeological resources.

**36 CFR §5.1 - Advertisements:** as provided for by 36 CFR.

**36 CFR §5.3 - Business operations:** as provided for by 36 CFR.

**36 CFR §5.5 - Commercial Photography:** as provided for in 36 CFR and special regulations under the park's Special Park Use policy, and RM-53.

**36 CFR §5.6 (b) - Commercial Vehicles:** as provided for by 36 CFR.

**36 CFR §5.7 - Construction of buildings or other facilities:** as provided for by 36 CFR.

## **Others:**

**Helium-Filled Balloons or Wish lanterns:** pose a danger to the health and safety of marine wildlife and creates a litter problem. Therefore, no releases of helium-filled balloons into the atmosphere will be authorized, except for research or planning purposes.

**Food:** the consumption of food inside the forts is prohibited. Except as authorized.

**Glass:** the use of glass inside the forts is prohibited.

**Government property:** including the uniform, will not be used, loaned or rented, or diverted from its normal use.

**Government symbols:** the use of the NPS Arrowhead in titles, credits or other deliberate disclosures is controlled through law and regulation.

**Hay:** the use of hay or other floor covering material on park lands is prohibited.

**Museum Collections:** the use of the park's museum collections is prohibited.

**Sales:** of T-shirts and other clothing, whether or not it contains a message is prohibited. Further, the sale of all other merchandise, including but not limited to arts and crafts, and all other items as noted above are prohibited. This will also include the charging of entrance and/or parking fees for the use of National Park Service administered property. Except as authorized.

**Stunts and special effects:** are allowed under a Special Park Use permit.

**Utilities:** the use of the park's utility systems by the general public is prohibited, other than water outlets used at restrooms in accordance to sanitary procedures.

**Vehicles:** the use of government vehicles for anything other than official NPS business is prohibited.

## Attachment A

**The following Old San Juan city (San Juan Municipality) ordinances codes can be adopted by the park under the Assimilated crime act 18 USC 13 when the act or omission is not made punishable by an enactment of Congress:**

**Article 8.2 - Prohibition on Sale or Sale of Alcoholic Beverages to Minors.** Puerto Rico legal age to be an adult is 18 years old.

**Article 8.3 - Prohibition on Sale or Sale of Alcoholic Beverages for Consumption Outside of a commercial establishment.** It prohibits the sale or dispensing of alcoholic beverages for consumption off the premises business, including sales through windows, windows or doors to public places.

**Article 8.4 - Prohibition on Sale or Sale of Beverages in Glass Containers.** It prohibits business establishments sell, serve or dispense beverages for consumption or any other alcoholic beverage in glass containers every day at four in the afternoon (4:00 PM) until six o'clock (6:00 AM).

**Article 8.5 – Exception.** Exempted from the provisions of Article 8.4 of this Code to beverages sold or served in hotels and tourist guesthouses, certified as such by the Tourism Company, and restaurants as defined above, provided that the dispensing of the beverage is made for consumption within the facilities thereof. It also exempts those licensed premises of wholesale dealer in alcoholic beverages in closed containers sealed and closed operations on or before eight o'clock at night (8:00 PM).

**Article 8.6 - Administrative Penalty.** Any person who violates the provisions of Articles 8.2, 8.3 and 8.4 of this Code shall be subject to payment of an **administrative fine of one thousand (1,000) dollars.**

**Article 8.7 - Prohibition of Eating or Owning, possessing an Open Container of Alcoholic Beverage in Public Roads and Public Places in Old San Juan.** It prohibits ingesting or possessing open container containing an alcoholic beverage on sidewalks, streets, boulevards, avenues, roads, squares and public places in Old San Juan.

**Article 8.8 - Administrative Penalty.** Any person who violates the provisions of Article 8.7 of the Code shall be subject to payment of a fine **administrative five hundred (500) dollars.**

**Article 8.9 - Prohibition of Sale, Expedite or Alcohol Drinking from Vehicles, Coolers, Trucks or Trolleys.** It prohibits the sale, sale or consumption of alcoholic beverages from cars, trucks, carts and portable coolers or any other method of peddling alcohol, except as authorized in Article 18 of the Regulations on Administration and Business Location Scatter the Municipality of San Juan.

**Article 8.10 - Prohibition of Consumption of Alcohol by a driver or passenger on a Vehicle.** It prohibits eating or alcohol while driving or riding as a passenger in any transportation vehicle on public roads in Old San Juan.

**Article 8.11 - Administrative Penalty.** Any person who violates the provisions of Articles 8.9 and 8.10 of this Code shall be subject to payment of an **administrative fine of five hundred (500) dollars.**

**Article 8.12 - Prohibition of Unnecessary Noise.** It prohibits any unnecessary noise from cars, commercial establishments, supermarkets, grocery stores or restaurants or motor traffic without muffler required. The radios, televisions, jukeboxes, music systems, vehicles, speakers, similar devices, or any other sound-producing instrument shall not be operated in a way that cause unnecessary noise.

**Article 8.13-Administrative Fine.** Any person who violates the provisions of Article 8.12 of this Code shall be subject to payment of a administrative fine of five hundred (500) dollars.

**Article 8.14 - Prohibition of Prostitution.** Is forbidden to accept, offer or solicit sexual relations with another person for money, stipend, compensation or any form of payment.

**Article 8.15 - Prohibition of business operate without licenses or permits required by law.** The banning in Old San Juan that does not have any business licenses or permits required by the Central Government or Municipal, such as structure license issued by the Regulations and Permits Administration, for the sale at retail of alcoholic beverages, the payment of municipal license; permission Fire Department Puerto Rico or permission of Department Health or is operating with expired licenses or in violation of the provisions of the same.

**Article 8.16 - Administrative Penalty.** Any person who violates the provisions of Articles 8.14 and 8.15 of the Code shall be subject to payment of a administrative fine of one thousand (1,000) dollars.

**Article 8.17 - Prohibition of Obstruction of Sidewalks.** It prohibits any person obstructing the free flow of pedestrian traffic to sit, lie or located in sidewalks of Old San Juan in a manner that obstructs the free flow of pedestrian traffic, except when made for a limited time as part of a political or trade union activity or any other manifestation protected by the right of free expression, provided that is included within this prohibition display and sale of merchandise on sidewalks when it exceeded regulatory limits trade street.

**Article 8.18- Prohibition on Water Resource Uses** including water fountains. Bathing is forbidden, get, throw or deposit litter, or wash clothes or other objects into decorative sources located in squares, parks, green areas or public places. Similarly, enabling everyone to minors or animals in their custody perform any activities prohibited by this Article shall be liable for this violation. No person shall use, or permit any animal under his or her control to use, any water fountain, drinking fountain, pool, sprinklers, reservoir, or any other water contained in parks for the purpose of washing or cleaning himself or herself, his or her clothing or other personal belongings. This subdivision shall not apply to those areas within parks which are specifically designated for personal hygiene purposes (i.e., bathroom, shower room, etc.), provided, however, that no person shall wash his or her clothes or personal belongings in such areas.

**Article 8.19 - Prohibition in Public Places of Dishonest Exhibition.** It is forbidden to carry out physiological functions or indecent exposure of the public anywhere Old San Juan. Similarly,



anyone who allows underage custody perform any of the activities prohibited by this Article shall be liable for this violation. Provided that for purposes of this Article the phrase "indecent exposure" means any person who voluntarily exposure their private parts or any other intimate part of your body at any site which shall be found in this other person, including law enforcement officers, to whom such exposure might offend or annoy. Excluded from the above definition are nursing mothers.

#### **Article 8.20 - Administrative Penalty**

Any person who violates the provisions of Articles 8.17, 8.18 and 8.19 of this Code shall be subject to payment of an **administrative fine of five hundred (500) dollars.**

## Attachment B

**First Amendment Area (Map)** - This area has been set aside for individuals or groups exercising their constitutional first amendment rights. The National Park Service neither encourages nor discourages, or otherwise endorses these activities and receives no funds in relation to these activities.

